

Attorney Docket # 4804-4CPA



By Express Mail # EL759575349US

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continued Prosecution Application of

Stefan Lukas, Allan Mark Evans, Mark
Dwyer, Ian Hamilton Pitman

Serial No.: 09/177,427

Filed: October 22, 1998

For: Taste Masked Pharmaceutical Compositions

Check box if applicable

☐ DUPLICATE

BOX CPA

TECH CENTER 1600/2900

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**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

*Submit an original and a duplicate for fee processing
(Only for Continuation or Divisional applications under 37 C.F.R. §1.53(d))*

Assistant Commissioner for Patents

BOX CPA

Washington, DC 20231

Sir:

This is a request for filing a ☒ Continuation or a ☐ Divisional application under 37 C.F.R. §1.53(d), of prior application number **09/177,427** filed on **October 22, 1998**, entitled **Taste Masked Pharmaceutical Compositions**

1. ☒ Utilize the file jacket and contents of the prior application, including the specification, drawings and oath or declaration from the prior application, to constitute this new application, and assign the application number of the prior application to this application for identification purposes.
2. ☒ The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for this CPA.
3. ☐ Enter the amendment previously filed on under 37 C.F.R. §1.116 in the prior nonprovisional application.
4. ☒ A preliminary amendment is enclosed.

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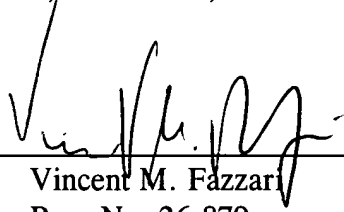
710.00 CP

5. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).
- a. ☐ Delete the following inventor(s) named in the prior nonprovisional application: _
- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
6. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
7. ☐ Information Disclosure Statement (IDS) is enclosed:
- a. ☐ PTO-1449
- b. ☐ Copies of IDS Citations
8. A fee computation sheet for this application is attached hereto.
- a. ☒ A check for \$710 to cover the filing fee is enclosed.
- b. ☐ Please charge our Deposit Account No. 03-2412 in the amount of \$. A duplicate copy of this paper is enclosed.
9. ☒ For this continuing application and the parent application the Commissioner is hereby authorized to charge payment of the following fees, or to credit any overpayment, to Deposit Account No. 03-2412. A duplicate copy of this paper is enclosed.
- ☒ Any additional filing fees required under 37 CFR §1.16.
- ☒ Any patent application processing fees under 37 CFR §1.17 not otherwise paid by check.
10. ☒ A petition for a ☐ one ☐ two ☒ three month extension of time to maintain the pendency of the prior application is enclosed herewith, together with a check for \$890 in payment of the government fee for said extension of time.
11. Small entity status:
- a. ☐ Small entity statement is claimed.
- b. ☐ is no longer claimed.
12. ☒ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.
- ☐ New correspondence address:
- Vincent M. Fazzari, Esq.
Cohen, Pontani, Lieberman & Pavane
551 Fifth Avenue, Suite 1210
New York, New York 10176
Telephone: (212) 687-2770
Facsimile: (212) 972-5487
13. ☒ The undersigned declares that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements

and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

By



Vincent M. Fazzari

Reg. No. 26,879

551 Fifth Avenue, Suite 1210

New York, New York 10176

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Dated: February 28, 2001



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PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R:

Please preliminarily amend the above-identified application as follows:

In the Claims:

Without prejudice, cancel the pending claims and add new claims 16 to 30 as follows:

16. A pharmaceutical formulation comprising: spray dried powder particles having a core element containing one or more pharmaceutically active compounds and a substantially continuous polymeric coating thereon, both to taste mask and to provide sustained release of said one or more active compounds wherein the polymer coating comprises less than 23% by weight of the formulation and wherein said core has an aspect ratio of less than 3.

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